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DARRELL ROBERTS,

§

Petitioner,

§

v.

2:17-CV-0116

LORIE DAVIS, Director,
Texas Department of Criminal Justice,
Correctional Institutions Division,

§

Respondent.

§

**ORDER OVERRULING OBJECTIONS,
ADOPTING REPORT AND RECOMMENDATION
and DENYING PETITION FOR A WRIT OF HABEAS CORPUS**

Petitioner has filed an application for a writ of habeas corpus challenging several state prison disciplinary decisions. On July 7, 2017, the United States Magistrate Judge issued a Report and Recommendation in this cause, recommending therein that the habeas application be denied because petitioner is not eligible for mandatory supervised release and did not forfeit any previously accrued good-time credits. On July 14, 2017, petitioner filed a document entitled "Memorandum of Law" which has been filed as objections to the Report and Recommendation.

By his objections petitioner appears to now raise new claims challenging his underlying 2004 convictions *i.e.* ineffective assistance of counsel. Even if the Court were to authorize the presentation of these claims, petitioner's attempt would be futile as the claims appear to be not only time-barred but also successive.

Based upon his original petition and the arguments presented, the law in the Fifth Circuit is clear, petitioner is not entitled to relief on a challenge to the results of his disciplinary hearing because he is not eligible for release on mandatory supervision and he did not lose any previously

earned good-time days as a result of the disciplinary proceeding.

The undersigned United States District Judge has made an independent examination of the record in this case. Petitioner's objections are OVERRULED, and the Magistrate Judge's Report and Recommendation is hereby ADOPTED. Accordingly, the application for a writ of habeas corpus filed by petitioner is DENIED.

IT IS SO ORDERED.

ENTERED this 17th day of July 2017.

s/ Mary Lou Robinson
MARY LOU ROBINSON
UNITED STATES DISTRICT JUDGE